



Patent

LZ-89

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas J. Hörmann, et al.
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For: GUIDE RAIL ARRANGEMENT
Examiner: David M. Purol
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REPLY BRIEF

S I R:

This Brief is in reply to the Examiner's Answer of June 26, 2006.

In the Examiners Answer, independent claim 1 is rejected as being unpatentable over the disclosure of Mondragon et al. This rejection is mainly based on the following observations:

1. Nothing in the disclosure of Mondragon et al. indicates that a specific accuracy was being employed in the manufacturing of the rail elements.
2. An arrangement comprising an elliptical curvature defined by a major axis extending generally horizontally and a minor axis extending generally vertically by definition sets forth an angle between the tangential lines within the range specified in the defended independent claim.

These rejections are not justified for the following reasons:

- a) According to independent claim 1, the tangents to the ends of the arc-shaped sections facing away from the straight section include with each other an acute angle of more than 3° and less than 15° . There is nothing in the disclosure of Mondragon, et al. which explicitly anticipates this claimed numerical range. Further, there is also no implicit disclosure of this specific range because the skilled person was well aware that respective track assemblies may be produced with an


accuracy so as to provide an arrangement as for example shown in Fig. 7 of Mondragon et al., wherein the respective tangents to the ends of the arc-shaped sections facing away from the straight section are co-linear within an accuracy of better than 1°.

- b) As may be taken from Fig. 7 of Mondragon et al., it is indeed possible and also intended by the teaching of Mondragon, et al. to provide a track arrangement wherein the major axis of the elliptical curvature extends generally horizontally and the minor axis of the elliptical curvature extends generally vertically, while simultaneously ensuring that the tangents to the ends of the arc-shaped sections facing away from the straight section extend co-linear.

For the above reasons the invention as specified in independent claim 1 of this application is neither anticipated nor made obvious by the teaching of Mondragon et al.

Thus, in view of these additional considerations, it is Applicant's position that the Examiner's rejection of the claims is in error and should be reversed.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 28, 2006.

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Date: August 28, 2006